IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 5507-M of 2007

DATE OF DECISION : 19.03.2007

Kashmir Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Ms. G.K. Mann, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

Petitioner Kashmir Singh, apprehending his arrest in a non-bailable offence in case FIR No. 128 dated 20.9.2006 registered under Sections 419/420/467/468/471/120-B IPC at Police Station Majitha, has filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

On January 29, 2007, interim anticipatory bail was granted to the petitioner subject to his joining investigation.

I have heard counsel for the parties and have gone through the contents of the FIR as well as the order dated 4.1.2007, passed by Additional Sessions Judge, Amritsar, whereby bail application of the petitioner has been dismissed.

Counsel for the petitioner contends that the aforesaid FIR has been registered on the complaint of one Jatinder Singh Chhna, claiming himself as District Secretary Kissan Union, in which it has been alleged that the petitioner has sold the panchayat land twice to two different parties. Counsel for the petitioner contends that as per the allegations the petitioner has sold the land to Palwinder Kumar son of Gurdayal Chand and it has

been alleged that his attorney Massa Singh has sold the land to Satwant Singh. Counsel for the petitioner further contends that neither Satwant Singh nor Palwinder Kumar made any complaint about the alleged cheating. Counsel also contends that as far as the petitioner is concerned, he has sold the land which came to his share in partition.

Counsel for the petitioner further states that in terms of the interim order dated January 29, 2007, the petitioner has joined the investigation. The State counsel, after having instructions from Harpal Singh ASI, does not dispute this fact and further states that the petitioner is no more required for further investigation.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated January 29, 2007, is made absolute subject to the same terms and conditions.

Disposed of accordingly.

March 19, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**